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JUL 08 2003

OFFICE OF PETITIONS

In re reissue Application of
Uhl, et al.
Application No. 09/784,829
Filed: February 8, 2001
Attorney Docket No.
5074A-000013/REA

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.137(b) AND
: NOTING JOINDER OF INVENTORS
: AND PETITION UNDER
: 37 CFR 1.47(a) MOOT

This is in response to the renewed petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a), filed June 30, 2003 (Certificate of Mailing dated June 26, 2003).

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

The above-identified reissue application was filed on February 8, 2001, without an oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed on March 28, 2001. This Notice set a period for reply of two months from the mail date of the Notice to submit an executed oath or declaration (and surcharge for its late filing) together with an assignee's statement under 37 CFR 3.73(b). No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 29, 2001. A Notice of Abandonment was mailed on September 3, 2002.

In reply, applicant submitted a petition under 37 CFR 1.47(a) on February 24, 2003, together with a petition to revive under 37 CFR 1.137(b). Accompanying the 37 CFR 1.47(a) petition was a declaration executed by joint inventor Michel Scriban, but with the signature blocks for joint inventors Jean Francois Uhl, Joel Henrion, and Jean-Baptiste Thiebaut left blank. Before a decision on the petition was rendered, on March 10, 2003

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applicant submitted a declaration executed by inventor Joel Henrion. On March 25, 2002, applicant submitted a declaration executed by inventors Jean Francois Uhl and Jean-Baptiste Thiebaut. With the 37 CFR 1.47(a) petition, applicant submitted a petition to revive under 37 CFR 1.137(b). However, the petitions were dismissed in a decision mailed on May 15, 2003. The declaration executed by Henrion was improper because it contained an alteration that was not initialed and dated.

With the instant 37 CFR 1.47(a) petition, applicant has now submitted a declaration in compliance with 37 CFR 1.63 and executed by all of the inventors.

In view of the **joinder** of the inventors, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be **moot**. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

In addition, as applicant has submitted a proper declaration, the reply required for a grantable 37 CFR 1.137(b) petition has now been filed. Applicant previously met the other requirements for a grantable 37 CFR 1.137(b) petition with the petition filed on February 24, 2003.

The application is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo
Petitions Attorney
Office of Petitions

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